

DEVELOPMENT REVIEW COMMITTEE

Tuesday, April 29, 2014

MEETING MINUTES

The Monroe County Development Review Committee conducted a meeting on **Tuesday, April 29, 2014**, beginning at 1:00 p.m. at the Marathon Government Center, Media & Conference Room (1st floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER

ROLL CALL by Gail Creech

DRC MEMBERS

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| Townsley Schwab, Senior Director of Planning and Environmental Resources | Present |
| Joe Haberman, Planning & Development Review Manager | Present |

STAFF

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| Steve Williams, Assistant County Attorney | Present |
| Mayte Santamaria, Assistant Planning Director | Present |
| Mitch Harvey, Comprehensive Plan Manager | Present |
| Judy Clarke, Director of Engineering | Present |
| Ed Koconis, Principal Planner | Present |
| Matt Coyle, Senior Planner | Present |
| Karl Bursa, Planner | Present |
| Gail Creech, Planning Commission Coordinator | Present |

CHANGES TO THE AGENDA

Ms. Creech stated the order the agenda items will be heard: First, Item 3; second, Item 2; third, Item 4; and last, Item 1.

MINUTES FOR APPROVAL

Mr. Schwab approved the minutes from the March 25, 2014 meeting with one minor change, which will be submitted to Ms. Creech.

MEETING

New Items:

3.Key Largo Ocean Resort Condominium, 94825 Overseas Highway, Key Largo, mile marker 94.8: A public hearing concerning a request for a Development Agreement between Monroe County, Florida and Key Largo Ocean Resort Condominium Association, Inc. (KLOR). The requested agreement relates to the development of 285 permanent, market-rate dwelling units, and accessory structures/uses thereto, on the property. No structures will be higher than 35 feet. The subject property is described as a parcel of land in Sections 13 and 14, Township 62 South, Range 38 East, Key Largo, being part Tract 10 and part Tract 11 of Southcliff Estates

(Plat Book 2, Page 45), Monroe County, Florida, having real estate numbers 00483401.000100 through 00483401.028500 and 00483402.000000.
(File 2014-040)

(1:02 p.m.) Mr. Coyle presented the staff report. Mr. Coyle reported that this is an amendment to the development agreement that came out of what initially started as code cases in the early '90s for issues with the recreational vehicle zoning district violations. Court cases between the County and KLOR ensued. Court-ordered mediation resulted in a settlement agreement which authorized KLOR to apply for the development agreement, which was entered into in 2006. The effective date was September 24, 2006, remaining in effect for a period of seven years commencing from the effective date. That effective date got pushed back further between the courts to August 22, 2009. Mr. Coyle explained the material changes to the agreement. This amendment would: Change the agreement from Key Largo Ocean Resort Co-Op to Key Largo Ocean Resort Condominium, which is the successor in interest to the co-op; reflect the status of the projects defining the completion of remedial action including the demo work for the whole site with the closed permit numbers; update the status of improvements to achieve compliance with the requirements of the URM district; change the number of marina slips from 65 to 76; change the benchmark date to incorporate the court-established dates; establish that the current common areas may be demolished and replaced with new structures within the areas these elements currently exist; explain the conversion to the condominium that has 285 individual lots deeded to individual owners and identifies the development process for the individual owners; and provide a date certain to allow RVs until December 31, 2016. Staff found that the development agreement meets all the requirements of Florida Statutes.

Mr. Haberman asked the applicant about the effective date as it stands today. Jim Saunders, developer for the applicant, replied that the agreement extends the ROGO allocations in perpetuity. Mr. Haberman explained a development agreement is not needed under current code to keep those entitlements, because they are not allocations, but are exemptions. Mr. Haberman further explained by leaving the old effective date language, it could be argued it is at least seven months from when this was received by DEO as opposed to from 2016, which may interfere with what the judge decided in the previous cases. Mr. Saunders would prefer to use a new effective date. Mr. Haberman stated there are two ways to handle it: Give seven years from the agreements, which would effectively be giving the applicant to 2012 and which may be more time than some people are comfortable with, or leave the effective language as is and shorten the duration of the development agreement from seven years. Mr. Saunders asked for some time beyond 2016, but not through to 2021. Mr. Haberman asked Mr. Saunders to present staff with a reasonable date between now and the Planning Commission meeting when the community improvements will be completed. Orestes Lopez, architect for the applicant, and Mr. Saunders agreed a reasonable completion date would be by December 31, 2018.

Mr. Coyle added that staff is recommending approval with some minor revisions, which have already been made. There were no comments by staff or the public.

2. Stock Island Marina Village, 700 and 7009 Shrimp Road, Stock Island, mile marker 5: A public hearing concerning a request for a Development Agreement between Monroe County, Florida and Longstock II, LLC. The requested agreement relates to the redevelopment of an

existing mixed use marina, to include commercial retail, office, light industrial and hotel uses. The residential density would not exceed 100 transient residential units. Not including accessory structures related to residential uses, the nonresidential floor area would not exceed 80,000 square feet. New residential or nonresidential buildings shall not exceed 35 feet in height. The subject property is described as parcels of land in Section 35, Township 67 South, Range 25 East, Stock Island, Monroe County, Florida, having real estate numbers 00123720.000100, 00123720.000200 and 00123760.000200.
(File 2014-026)

(1:14 p.m.) Mr. Haberman presented the staff report. Mr. Haberman reported that the applicant is planning on a redevelopment of the site and would like some assurances that the code is not going to change on them as they go through the process. A major conditional use permit application was submitted as well and, to the degree that it can be, is being processed concurrently. The applicant is proposing to do everything to code. Mr. Haberman stated the applicant is not intentionally in conflict with code, but has just paraphrased some language that led to a conflict. Mr. Haberman informed Bart Smith, Esquire, present on behalf of the applicant, that the ownership disclosure statement is needed for the major conditional use and the development agreement. Mr. Haberman explained that throughout the document there are some misstated zoning and future land use categories that need to be corrected. Of more consequence, on Page 2 of the proposal is where the TREs can come from for the hotel is written in a way that would create conflicts with code, so Mr. Haberman shows how to write it verbatim from the code without those conflicts. On Page 4 relating to height, Mr. Haberman recommended using the term “solar apparatus” as opposed to “renewable energy” and “energy saving devices” so as not to create a conflict. Before the Planning Commission meeting staff will provide Mr. Smith with the official land use maps and the attachments. Staff recommended approval and moving this on to the Planning Commission.

There were no comments from staff or the public.

3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY FUTURE LAND USE MAP FROM INDUSTRIAL (I) TO COMMERCIAL (C) FOR PROPERTY LOCATED AT APPROXIMATE MILE MARKER 9, DESCRIBED AS FIVE PARCELS OF LAND IN SECTION 21, TOWNSHIP 67 SOUTH, RANGE 26 EAST, ROCKLAND KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00122080.000000, 00122030.000000, 00122081.000200, 00122010.000000 AND 00121990.000000, AND FROM MIXED USE/COMMERCIAL FISHING (MCF) AND INDUSTRIAL (I) TO MIXED USE/COMMERCIAL (MU) FOR PROPERTY LOCATED AT APPROXIMATE MILE MARKER 9, DESCRIBED AS A PARCEL OF LAND IN SECTION 21, TOWNSHIP 67 SOUTH, RANGE 26 EAST, BIG COPPITT KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00120940.000100, AS PROPOSED BY ROCKLAND OPERATIONS, LLC AND ROCKLAND COMMERCIAL CENTER, INC.; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE MAP; PROVIDING FOR AN EFFECTIVE DATE.

(File 2012-068)

(1:20 p.m.) Mr. Koconis presented the staff report. Mr. Koconis reported that this application started in May of 2012 to amend 25 parcels with an increase of about 370 dwelling units and about 1200 transient units. At that time the DRC recommended the applicant request a new FLUM category, which they have done, and they have reduced the request down to six parcels, which total plus or minus 42 acres. Mr. Koconis finds no conflict with the new commercial FLUM category. Mr. Koconis stated it is important to note that all residential density is being pushed out of the 75 to 79 DNL noise level into the 70 DNL, which is discouraged, but not prohibited, by the Navy. The area still within the 75 to 79 DNL is going to be commercial and the applicant has stated they are willing to implement the necessary changes to reduce the noise levels for those buildings in that area. There is a potential increase of 24 residential dwelling units or 220 transient, or any combination of that. The amount of square footage is being reduced by about 190,000 square feet. Mr. Koconis pointed out that this area is either undeveloped or water. Because the initial application was in May of 2012, Policy 101.4.20 would not apply in this case. Staff is still waiting on a traffic analysis, but does not expect any big issues with that. No inconsistencies were found with the principles for guiding development or Chapter 163 of the Florida Statutes. Mr. Koconis said this application looks to be a favorable request.

Ms. Santamaria informed the Committee that representatives from NAS-Key West called today to state although they have not finalized their review of this application, they are generally in favor of moving the residential off of Rockland and will have comments prepared for when this goes to the Planning Commission.

There were no comments or questions from staff or the public.

1.Florida Keys Mosquito Control District (proposed), Overseas Highway (US 1), Big Coppitt Key, approximate mile marker 10.5: A public meeting concerning a request for a Minor Conditional Use Permit. The requested approval is required for the development of a proposed Florida Keys Mosquito Control District facility, comprised of public and light industrial uses. The subject property is legally described as Tract D, Porpoise Point Section #4 subdivision (Plat Book 5, Page 188), Big Coppitt Key, Monroe County, Florida, having real estate number 00155830.000000

(File 2014-045)

(1:30 p.m.) Mr. Haberman presented the staff report. Mr. Haberman reported that this parcel is a vacant site of structures that has historically been used as a nursery, which is a commercial retail use. This would be a complete conversion of the use to a mixed use site of institutional uses where the offices of the district would be and then light industrial uses where they would be storing vehicles, boats and equipment. The applicant is proposing a 4200 square foot office building with a 3500 square foot maintenance building and all of the accessory site infrastructure and improvements that go with that. The institutional use is allowed by right, but the industrial use triggers the minor conditional use. Staff has heard nothing from the public one way or the other. Michael Doyle, Executive Director of the Mosquito Control Board, stated all the houses within 300 feet of the parcel were visited, reaching 37 people in person, and there were no

negative responses, two were uncertain and the remainder were either okay with the proposal or had no opinion.

Mr. Haberman stated staff recommends approval with some conditions. Mr. Haberman stated URS has reviewed the traffic analysis and requested some small tweaks, but they do not have an issue with the amount of traffic or level of service on US-1. Public Works needs to review the right-of-way improvements. Ms. Clarke noted that code says the fewest number of driveways to adequately serve the site is needed. Mr. Haberman added that URS has asked that the loading zone in the middle of the paved area be delineated with striping. Mr. Coyle explained the loading zone would be used for UPS and small deliveries, as well as chemical deliveries once a week at most.

William Horn, present on behalf of the applicant, submitted four signed and sealed landscape plans. Mr. Haberman explained that the mean high water line must be precisely shown on the site plan. Parking was discussed. Mr. Horn explained some of the stacked parking was removed and car stops were added. Mr. Haberman stated the parking meets the code, but from a practical standpoint more than the minimum 24 feet required for a back-out may be beneficial for maneuverability on the site. Mr. Horn noted the non-required spaces could be deleted. Mr. Haberman prefers that remedy to help with traffic flow on site and stated it would further reduce the parking lot landscaping requirement. Mr. Horn pointed out the four bicycle racks and recycling for the two different buildings.

Barbara Mitchell, present by telephone on behalf of the applicant, clarified that the existing trees recently planted along DOT right-of-way were not counted by the applicant for compliance. The landscaping plan shows the proposed US-1 buffer grouped together on either side of the project to give a visible presence of the site off of US-1. The parking lot landscaping has been revised per the original staff report.

Mr. Haberman continued to outline the conditions. Prior to the CO being issued the landscaping will have been installed. Building permits are required for the project. Some revisions may be required if the Building Official or the Fire Marshal have any recommendations and requests. Mr. Haberman feels the chemical storage adjacent to the residential space will probably be approved by the Fire Marshal because the applicant is proposing it be within a concrete building. Mr. Haberman noted the importance of the condition related to fencing. Mr. Haberman explained this permit does not restrict the applicant to chain-link fencing, but if chain-link fencing is used it cannot be industrial-looking with any razor wire or barbed wire. The final condition is any significant changes to the architecture of the building must receive after-the-fact approval by the Director of Planning.

Phil Goodman, Mosquito Board Commissioner, asked if a reduction in the square footage of the building would improve the parking situation. Mr. Haberman explained that would allow more room for parking, but more parking is not needed by code. Mr. Horn added that all new government buildings have to get a third-party green certification, which the applicant will be getting. Mr. Horn asked about timing for building permits. Mr. Haberman replied that staff has 30 days from receiving the revised site plan to issue the development order. Once that is signed

the 30-day appeal period begins. Mr. Horn stated the revised site plan will be submitted within the week.

Mr. Goodman asked for an explanation of the process for public comment. Mr. Haberman replied that for a minor conditional use surrounding property owners within 300 feet of the perimeter of the property are notified of the application and the date of the DRC meeting. After the application is approved the second round of letters is sent to the surrounding property owners basically saying the matter is closed and their only option is to appeal rather than be part of the process. Within that 30 days they will have time to appeal it to the Planning Commission. Anybody that can argue by law they are adversely affected can appeal. A newspaper ad is also run in The Citizen.

ADJOURNMENT

The Development Review Committee meeting was adjourned at 1:57 p.m.